



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

December 21, 2021

**BY ECF**

Honorable Edgardo Ramos  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re:     *United States v. Mark S. Scott, S10 17 Cr. 630 (ER)***

Dear Judge Ramos:

The Government respectfully submits this letter in connection with defendant Scott's Supplemental Rule 33 Motion filed on August 13, 2021 (the "Supplemental Motion"). (See ECF No. 388.). The Government filed its opposition on September 10, 2021. (See ECF No. 412). At the request of the defense, and in order to facilitate a complete adjudication of the defense issues, the Government consented to multiple adjournments of the date by which the defense was to file a reply brief. (See, e.g., ECF Nos. 413, 417, 422, 426, 428, 430). On December 15, 2021, the defense filed a reply brief in connection with the Supplemental Motion (the "Supplemental Reply"). (See ECF No. 433). The Supplemental Reply raises multiple issues and grounds for relief not raised in the Supplemental Motion. As a result, the Government has conferred with defense counsel regarding the submission of a sur-reply to addresses these new issues. The defense has consented to the filing of a sur-reply by the Government. Accordingly, the Government respectfully requests that the Government be permitted to file a sur-reply and that any sur-reply be filed on or before January 28, 2022. The defense requests the opportunity to file a response to the Government's sur-reply and for any response to be filed on or before February 18, 2022 (to which the Government likewise consents).

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By: \_\_\_\_\_ /s/  
Nicholas Folly/Michael C. McGinnis/Julianna  
Murray  
Assistant United States Attorneys  
(212) 637- 1060 / 2305 / 2314

CC:     Defense counsel (by ECF)